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**BEFORE THE UNITED STATES DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION**

El Pueblo Para El Aire y Agua
 Limpio; Kids Protecting our Planet

Complainants,

v.

Board of Supervisors of Kings County,

Respondents.

**COMPLAINT UNDER TITLE VI OF
 THE CIVIL RIGHTS ACT OF 1964, 42
 U.S.C. § 2000d, 40 C.F.R. Part 7 and 24
 C.F.R. Part 1.**

I. INTRODUCTION

This is a civil rights complaint by El Pueblo para el Aire y Agua Limpio and Kids Protecting our Planet (collectively "El Pueblo"), under Title VI of the Civil Rights Act of 1964 and its implementing regulations against Kings County for discriminating on the basis of race and national origin in approving the expansion of the Chemical Waste Management Kettleman Hills Hazardous Waste Facility (KHF), and in limiting the participation of the Latino residents of Kettleman City in the decision-making process.

Kettleman City residents have for many years been forced to bear a disproportionate share of the County's environmental dangers by hosting Chem Waste's Kettleman Hills Facility, the largest hazardous waste landfill in the western United States. Kings County's

discrimination forces residents to bear an even greater proportion of this burden if the County's improperly issued permits for continued operation and expansion are allowed to stand.

The County's decision to approve a hazardous waste dump expansion adjacent to the highest concentration of Latinos in Kings County has a *discriminatory impact*. Kettleman City—which already suffers from disproportionate exposure to chemicals, air pollution, and contaminated water—has recently experienced an alarming spike in unexplained birth defects and infant mortality. The County moved forward with its decision without adequately assessing the source of these acute health effects in the community, or otherwise addressing the project's adverse and discriminatory impacts.

In addition to the project approval's discriminatory impact, the County *intentionally discriminated* against Latino residents by systematically limiting their participation in the decision-making process. Most Kettleman City residents' first language is Spanish, and a high percentage are monolingual Spanish. In spite of Kettleman City residents' continued request and demand for documents in Spanish, the County provided documents in an English-only format. Further, the County excluded Latino residents from the Local Assessment Committee in clear violation of the Tanner Act. Finally, the County provided Spanish speakers only half as much time to testify at public hearings as their non-Spanish speaker counterparts. The County's permitting process was the result of intentional discrimination and had a discriminatory impact—two separate grounds for Title VI action.

This complaint will show all four elements required to make a prima facie case of a violation of Title VI under U.S. Department of Transportation implementing regulations: (1) the County's action has an impact; (2) that is discriminatory on the basis of race, color, or national origin; (3) caused by a recipient of federal financial assistance; (4) within the statute of limitations period.

II. THE COMPLAINANTS

Complainant El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water is